UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ESTATE OF ERIC RIVERA, by and through successors in interest, PHILLIP MALIK and VALERIE RIVERA; PHILLIP MALIK, individually; VALERIE RIVERA, individually,

Plaintiffs,

vs.

Case No. 2:17-CV-06939-CBM

CITY OF LOS ANGELES; LOS ANGELES POLICE DEPARTMENT; ARTURO URRUTIA; DANIEL RAMIREZ, and DOES 1 to 10,

Defendants.

CONFIDENTIAL PORTIONS OF THE

VIDEOTAPED DEPOSITION OF ARTURO URRUTIA

Long Beach, California

Thursday, December 27, 2018

Reported by: Gina Anne George
CSR No. 11260
LitiCourt Job No.: 201467

UNITED STATES DISTRICT COURT

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CONFIDENTIAL PORTIONS OF THE VIDEOTAPED DEPOSITION OF ARTURO URRUTIA taken on behalf of the plaintiffs at 3777 Long Beach Boulevard, Third Floor, Long Beach, California, beginning at 9:08 a.m., and ending at 2:33 p.m. on Thursday, December 27, 2018 before Gina Anne George, Certified Shorthand Reporter No. 11260.

APPEARANCES:

FOR THE PLAINTIFFS:

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FOR THE DEFENDANTS:

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ALSO PRESENT:

CRAIG SCHUMACHER, The Videographer
PHILIP MALIK
VALERIE RIVERA
ANDRES MARTINEZ
ARTURO URRUTIA
BRADLEY HEARN
MARC STERNIN
JAMES TALMAGE
BRIAN HUN

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WITNESS

ARTURO URRUTIA

EXAMINATION

BY MR. CASILLAS 7

EXHIBITS

MARKED	DESCRIPTION	PAGE
Exhibit 10	Transcription of Recorded Interview of Police Officer Arturo Urrutia (Confidential)	81
Exhibit 11	Thumb drive of video (Confidential)	129

The information contained on pages 1 to 86, 93 to 129, 132 to 166 and 172 to 201 has been designated as confidential and those pages are bound separately.

Exhibits 10 and 11 were marked in the non-designated portion of the transcript but have been designated as confidential and are bound with the confidential portion of the transcript.

LONG BEACH CALIFORNIA;

THURSDAY, DECEMBER 27, 2018; 9:08 A.M.

* * *

ARTURO URRUTIA,

having been first duly placed under oath by the reporter, was examined and testified as follows:

EXAMINATION

BY MR. CASILLAS:

Q You read all of it a few times over, I think. 11:58:53 11:58:58

After doing that, did you find anything in the transcript that as you read it was not accurate? 11:59:02 11:59:07

MR. BRENTE: So just to make the record fair, I think he recalled reviewing it two times. Beyond that, he was unsure. 11:59:11 11:59:13 11:59:16

MR. CASILLAS: Okay. 11:59:18

THE WITNESS: Yes. 11:59:22

BY MR. CASILLAS: 11:59:22

Q Okay. What was not accurate? 11:59:22

A One thing that I saw, the distance, I told FID at the time that it was 15 feet, and the correct measurement from what I was told was 34 feet. 11:59:25 11:59:31 11:59:38

Q So a lot further away? 11:59:42

A Yes. 11:59:44
Q Anything else that you -- 11:59:45
A As far as I can recall it -- as far as I can 11:59:47
recall, that's it. 11:59:51
MR. CASILLAS: We'll go off the confidential 12:00:03
portion and return to the regular portion. 12:00:05
MR. BRENTE: That's fine. 12:00:06
(Whereupon counsel went off the confidential
portion of the transcript.)
/ / /
/ / /
/ / /

BY MR. CASILLAS: 01:19:09
Q Okay. The video footage that you watched -- 01:19:10
MR. BRENTE: We are now confidential? 01:19:12
MR. CASILLAS: We are now confidential. 01:19:13
BY MR. CASILLAS: 01:19:15
Q The video footage you watched, did it 01:19:15
include footage of you being attended to by 01:19:19
paramedics or fire crews? 01:19:27
A I believe so. 01:19:30
Q Okay. Let me play a portion of that video 01:19:39
beginning at three minutes and 45 seconds. 01:20:06
Okay? 01:20:09
A Yes. 01:20:10
Q And I believe the footage that is 01:20:10
postshooting that may show that you fell and because 01:20:12
if it's the officer that you fell, I understand 01:20:19
you're the only officer that fell, that should 01:20:21
confirm that it is you, so take a look at that. 01:20:24
Sorry. 01:20:33
(Whereupon the video played.) 01:20:43
BY MR. CASILLAS: 01:20:43
Q I played that through to approximately three 01:20:55
minutes and 58 seconds. 01:21:00
Does that appear to be the footage from your 01:21:02
body cam? 01:21:04

A Yes, it is. 01:21:05

MR. CASILLAS: We'll attach a copy of that 01:21:05
as the next exhibit in order Exhibit No. 11. 01:21:08

Anyway, I propose to leave the confidential 01:21:11
section. 01:21:24

MR. BRENTE: That's fine. 01:21:24

(Whereupon counsel agreed to off the
confidential portion of the transcript.)

/ / /

/ / /

/ / /

BY MR. CASILLAS: 02:00:49

Q Do you remember telling the FID investigator that he took steps toward you? 02:00:51

A I believe I did. 02:00:52

Q Did you remember them questioning the number of steps that he took? 02:00:53

A I don't recall. 02:00:56

Q Do you remember telling them that he took three steps toward you? 02:00:57

A I don't recall. 02:01:00

Q Did he take three steps toward you? 02:01:02

A I saw him take steps toward me. 02:01:03

Q And as he took those steps towards you, did he motion with his right hand in any way? 02:01:05

A He was holding a handgun. 02:01:08

MR. CASILLAS: We'll go back off confidential. 02:01:13

Okay? 02:01:16

MR. BRENTE: Yes. 02:01:18

(Whereupon this ends the confidential portion of the transcript.) 02:01:19

/ / / 02:01:21

/ / / 02:01:21

/ / / 02:01:21

02:01:22

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

I, GINA ANNE GEORGE, do hereby certify:

That I am a duly qualified Certified Shorthand Reporter, in and for the State of California, holder of certificate number 11260, which is in full force and effect and that I am authorized to administer oaths and affirmations;

That the foregoing deposition testimony of the herein named witness was taken before me at the time and place herein set forth;

That prior to being examined, the witness named in the foregoing deposition, was duly sworn or affirmed by me, to testify the truth, the whole truth, and nothing but the truth;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me, and were thereafter transcribed under my direction and supervision;

That the foregoing pages contain a full, true and accurate record of the portion of the proceedings and testimony which was designated as "Confidential" to the best of my skill and ability;

That prior to the completion of the foregoing deposition, review of the transcript was requested.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name this ____ day of _____, ____.

_____

GINA ANNE GEORGE, CSR No. 11260

PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the above captioned matter; that I have read the foregoing transcript or that it has been read to me, and I know the contents thereof; that the transcript is true to my knowledge, except as to those matters which are herein stated upon my information or belief, and as to those matters, I believe them to be true; that I find the transcript to be a true and accurate transcription of the portion of my testimony which was designated "Confidential", with the following corrections, if any:

PAGE LINE CHANGE

____ ____ _____

Reason _____

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Reason _____

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PAGE LINE CHANGE

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Reason _____

____ ____ _____

Reason _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the ____ day of _____ 20___, at _____, _____.
(City) (State)

_____

ARTURO URRUTIA

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